

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LEDENIA LEVI,

Plaintiff,

vs.

STATE OF NEVADA, DEPARTMENT OF
HEALTH & HUMAN SERVICES,

Defendant.

2:16-cv-00738-JAD-VCF

ORDER

Before the Court is the Motion to Amend the Complaint and Extend the Time to Serve the Amended Complaint (ECF No. 7). Defendant has not made an appearance in this case. Plaintiff thought the Complaint was served on Defendant on April 7, 2016. Defendant claims that the complaint was not properly served pursuant to NRS 41.031(2). *Id.* Plaintiff requests to amend the complaint by pleading an ADA cause of action for reinstatement only against the former director and current director of the agency and a cause of action under section 504 of the Rehabilitation Act for damages. *Id.*

Under Federal Rules of Civil Procedure 15(a), a party may amend its pleading once as a matter of course within 21 days after serving it or if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier. Given, that Plaintiff initially thought Defendant was properly served and 21 days after service passed, Plaintiff's motion is granted.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Amend the Complaint and Extend the Time to Serve the Amended Complaint (ECF No. 7) is GRANTED.

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1 Plaintiff must file the amended complaint in (ECF No. 7-2) on or before September 27, 2016.

2 IT IS FURTHER ORDERED that the service of process time is extended to October 28, 2016.

3 DATED this 20th day of September, 2016.

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6 CAM FERENBACH
7 UNITED STATES MAGISTRATE JUDGE
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